

Exhibit 3

Concise Explanation of References Relied Upon in the Protest

Admissions in '006 Patent specification

“Referring to FIGS. 1-3, there is shown, in FIG. 1, a sport shoe 10 having a flexible top portion 11 mounted on top of the shoe sole 12 and is tied around the top portion 11 by the shoe lace 13. The sole 12 extends from the toe portion 15 to the heel portion 17 which may be rigid or semi-rigid in construction. The bottom or outsole 19 (see FIG. 2) may be ribbed, grooved or patterned as desired. *Such constructions are well known in the prior art.* For the purposes of the invention, in the embodiment shown in FIGS. 1-3, the shoe is provided with a lateral external stabilizer 21 [amended in Paper No. 8/B from -- external lateral forefoot wedge member--]...”.

'006 patent, C. 2, ll. 38-55, *italics* emphasis supplied.”

O'Brien U.S. Patent 4,073,075

“O'Brien shows a shoe comprising *a forefoot wedge* (10), *a lateral stabilizer* (13) and a sole (21) and the wedge and stabilizer located in the forefoot portion (see C. 5, l. 3, Paper No. 13, '006 patent prosecution history).

Other References of Interest in the '006 Patent Prosecution History

Schlesinger U.S. Patent No. 2,847,769

Schlesinger describes shoes for golfers where a bottom member 23 , the inner side portion of whose upper surface is lower than its outer side portion, (fore foot lateral swing) Fig. 26 the rear end portion the bottom surface being lower than any portion and slopes upwardly from the outer portion to the inner side of the bottom member. Fig. 5.

Blisset U.S. Patent No. 5,448,839

Blisset shows a tapered forefoot member and tapered heel wedge. (C. 3, l. 35 – C. 4, l. 6).

Noone U.S. Pat. No. 4,866,861

Noone shows a forefoot lateral wedge 20 and a heel counter (figure 3) with a lateral heel stabilizer (62).

Talarcio II, U.S. Patent No. 4,620,376

Talarcio, II (4.620,376) shoes a forefoot wedge. Fig. 4.

Lynn, U.S. Pat. No. 2,179,942

Lynn teaches a tapering a protruding wedge.

